IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | | |
|---|---|---|
| APRIL PORTER | § | |
| *Plaintiff* | § | |
| | § | |
| vs. | § | Civil Action No.4:17-cv-1191 |
| | § | |
| UNIVERSITY OF TEXAS, | § | |
| MD ANDERSON CANCER CENTER | § | |
| *Defendant* | § | |

**INDEX OF DOCUMENTS FROM STATE COURT'S DOCKET SHEET**

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| 1. | | State District Court Docket Sheet |
| 2. | 03/23/17 | Plaintiff's Original Petition |
| 3. | 03/23/17 | Civil Case Information Sheet |
| 4. | 03/23/17 | Civil Process Request Form |
| 5. | 03/24/17 | Transfer Order |
| 6. | 04/06/17 | Citations - Served and returned |
| 7. | 04/10/17 | Defendant's Answer and Affirmative Defenses to Plaintiff's Original Petition |

# DOCKET SHEET

Notes Color Key: Private Court Docket Sheet

Print

Case: 201719769 - 7

Court: 295 File Dt: 3/23/2017 Case Status: Active - Civil
Case Type: DISCRIMINATION Type of Action: Discrimination
Style: PORTER, APRIL vs UNIVERSITY OF TEXAS MD ANDERSON CANCER C

Docket Sheet Entries Add Save/Group

Total Items: 1

Note Type Filter:

| Active | Posting Date | Comments | Last Mod User | History | Group |
|---|---|---|---|---|---|
| ☑ | 3/24/2017 | TRANX - ORDER TRANSFERRING CASE TO ANOTHER DISTRICT COURT SIGNED | CONVERSION USER | ☐ | Edit |

1

Trial Settings Add

| Active | Signed Date | Comments | Last Mod User | History | Group |
|---|---|---|---|---|---|
| No Items Found | | | | | |

1

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C I V I L M E N U

View Dockets

Case: 201719769 - 7

☐ Court: 295 File Dt: 3/23/2017 Case Status: Active - Civil
Case Type: DISCRIMINATION Type of Action: Discrimination
Style: PORTER, APRIL vs UNIVERSITY OF TEXAS MD ANDERSON CANCER C

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| Image Number | Pages | Activity Type | Activity Date | PJN | Party | | |
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| ☐ 74591029 | 2 | Citation | 4/6/2017 | | | Enter Revision | Add To Basket |
| ☐ 74402166 | 1 | 8X - TRANSFERRED TO ANOTHER HARRIS COUNTY DISTRICT COURT | 3/24/2017 | | | Enter Revision | Add To Basket |
| | | TRANX - ORDER TRANSFERRING CASE TO ANOTHER DISTRICT COURT SIGNED | 3/24/2017 | | | | |
| ☐ 74372466 16029302 | 4 | Plaintiffs Original Petition | 3/23/2017 | | | Enter Revision | Add To Basket |
| ☐ *74372467* 16029302 | 2 | *Sub Doc: Civil Case Information Sheet* | *3/23/2017* | | | Enter Revision | Add To Basket |
| ☐ *74372468* 16029302 | 1 | *Sub Doc: Civil Process Request Form* | *3/23/2017* | | | Enter Revision | Add To Basket |

# CIVIL CASE INFORMATION SHEET

3/23/2017 12:03:26 PM
Chris Daniel - District Clerk
Harris County
Envelope No: 16029302
By: ADESIYAN, JELILAT
Filed: 3/23/2017 12:03:26 PM

# CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): 2017-19769 / Court: 234 COURT (FOR CLERK USE ONLY):

STYLED APRIL PORTER V. MD ANDERSON CANCER CENTER
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

**1. Contact information for person completing case information sheet:**

Name: Craig Keener
Email: CRKeener@aol.com
Address: 1005 Heights Boulevard
Telephone: (713) 529-0048
City/State/Zip: Houston, Texas 77008
Fax: (713) 529-2498
Signature: [signature]
State Bar No: 11167875

**Names of parties in case:**

Plaintiff(s)/Petitioner(s): April Porter

Defendant(s)/Respondent(s): University of Texas MD Anderson Cancer Center

[Attach additional page as necessary to list all parties]

**Person or entity completing sheet is:**
☒Attorney for Plaintiff/Petitioner
☐*Pro Se* Plaintiff/Petitioner
☐Title IV-D Agency
☐Other:

Additional Parties in Child Support Case:
Custodial Parent:
Non-Custodial Parent:
Presumed Father:

**2. Indicate case type, or identify the most important issue in the case *(select only 1)*:**

## Civil

**Contract**
*Debt/Contract*
☐Consumer/DTPA
☐Debt/Contract
☐Fraud/Misrepresentation
☐Other Debt/Contract:
*Foreclosure*
☐Home Equity—Expedited
☐Other Foreclosure
☐Franchise
☐Insurance
☐Landlord/Tenant
☐Non-Competition
☐Partnership
☐Other Contract:

**Injury or Damage**
☐Assault/Battery
☐Construction
☐Defamation
*Malpractice*
☐Accounting
☐Legal
☐Medical
☐Other Professional Liability:
☐Motor Vehicle Accident
☐Premises
*Product Liability*
☐Asbestos/Silica
☐Other Product Liability List Product:
☐Other Injury or Damage:

**Real Property**
☐Eminent Domain/ Condemnation
☐Partition
☐Quiet Title
☐Trespass to Try Title
☐Other Property:

**Related to Criminal Matters**
☐Expunction
☐Judgment Nisi
☐Non-Disclosure
☐Seizure/Forfeiture
☐Writ of Habeas Corpus —Pre-indictment
☐Other:

**Employment**
☒Discrimination
☐Retaliation
☐Termination
☐Workers' Compensation
☐Other Employment:

**Other Civil**
☐Administrative Appeal
☐Antitrust/Unfair Competition
☐Code Violations
☐Foreign Judgment
☐Intellectual Property
☐Lawyer Discipline
☐Perpetuate Testimony
☐Securities/Stock
☐Tortious Interference
☐Other:

## Family Law

**Marriage Relationship**
☐Annulment
☐Declare Marriage Void
*Divorce*
☐With Children
☐No Children

**Post-judgment Actions (non-Title IV-D)**
☐Enforcement
☐Modification—Custody
☐Modification—Other

**Title IV-D**
☐Enforcement/Modification
☐Paternity
☐Reciprocals (UIFSA)
☐Support Order

**Other Family Law**
☐Enforce Foreign Judgment
☐Habeas Corpus
☐Name Change
☐Protective Order
☐Removal of Disabilities of Minority
☐Other:

**Parent-Child Relationship**
☐Adoption/Adoption with Termination
☐Child Protection
☐Child Support
☐Custody or Visitation
☐Gestational Parenting
☐Grandparent Access
☐Paternity/Parentage
☐Termination of Parental Rights
☐Other Parent-Child:

**Tax**
☐Tax Appraisal
☐Tax Delinquency
☐Other Tax

## *Probate & Mental Health*

*Probate/Wills/Intestate Administration*
☐Dependent Administration
☐Independent Administration
☐Other Estate Proceedings
☐Guardianship—Adult
☐Guardianship—Minor
☐Mental Health
☐Other:

**3. Indicate procedure or remedy, if applicable *(may select more than 1)*:**

☐Appeal from Municipal or Justice Court
☐Arbitration-related
☐Attachment
☐Bill of Review
☐Certiorari
☐Class Action
☐Declaratory Judgment
☐Garnishment
☐Interpleader
☐License
☐Mandamus
☐Post-judgment
☐Prejudgment Remedy
☐Protective Order
☐Receiver
☐Sequestration
☐Temporary Restraining Order/Injunction
☐Turnover

**4. Indicate damages sought** (*do not select if it is a family law case*):

☐Less than $100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees
☐Less than $100,000 and non-monetary relief
☐Over $100, 000 but not more than $200,000
☒Over $200,000 but not more than $1,000,000
☐Over $1,000,000

Rev 2/13

I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this April 11, 2017

Certified Document Number: 74372467 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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# CIVIL PROCESS REQUEST FORM

3/23/2017 12:03:26 PM
Chris Daniel - District Clerk
Harris County
Envelope No: 16029302
By: ADESIYAN, JELILAT
Filed: 3/23/2017 12:03:26 PM

# CIVIL PROCESS REQUEST FORM

2017-19769 / Court: 284

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

**CASE NUMBER:** ______________ **CURRENT COURT:** ______________

**TYPE OF INSTRUMENT TO BE SERVED** (See Reverse For Types): Plaintiff's Original Petition

**FILE DATE OF MOTION:** 3/ 22/ 2017
Month/ Day/ Year

**SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):**

1. NAME: University of Texas-MD Anderson Cancer Center ______________
ADDRESS: 1515 Holcombe Boulevard, Houston, Texas 77030 ______________
AGENT, (*if applicable*): Interim President Marshall E. Hicks

**TYPE OF SERVICE/PROCESS TO BE ISSUED** (*see reverse for specific type*): Citation ______________

**SERVICE BY** (*check one*):

☐ **ATTORNEY PICK-UP** ☒ **CONSTABLE**
☐ **CIVIL PROCESS SERVER** - Authorized Person to Pick-up: ______________ Phone: ______________
☐ **MAIL** ☐ **CERTIFIED MAIL**
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Type of Publication: ☐ **COURTHOUSE DOOR, or**
☐ **NEWSPAPER OF YOUR CHOICE:** ______________
☐ **OTHER,** *explain* ______________

**ATTENTION: Effective June1, 2010**

**For all Services Provided by the DISTRCT CLERKS OFFICE requiring our office to MAIL something back to the Requesting Party, we require that the Requesting Party provide a Self-Addressed Stamped Envelope with sufficient postage for mail back.**
**Thanks you,**

*************************************************************************************************

2. NAME: ______________
ADDRESS: ______________
AGENT, (*if applicable*): ______________

**TYPE OF SERVICE/PROCESS TO BE ISSUED** (*see reverse for specific type*): ______________

**SERVICE BY** (*check one*):

☐ **ATTORNEY PICK-UP** ☐ **CONSTABLE**
☐ **CIVIL PROCESS SERVER** - Authorized Person to Pick-up: ______________ Phone: ______________
☐ **MAIL** ☐ **CERTIFIED MAIL**
☐ **PUBLICATION:**
Type of Publication: ☐ **COURTHOUSE DOOR, or**
☐ **NEWSPAPER OF YOUR CHOICE:** ______________
☐ **OTHER,** *explain* ______________

---

**ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:**

NAME: Craig R. Keener______________ TEXAS BAR NO./ID NO. 11167875 ______
MAILING ADDRESS: 1005 Heights Boulevard Houston, Texas 77008 ______________
PHONE NUMBER: (713) 529-0048 ______________ FAX NUMBER: (713) 529-2498 ______________
area code phone number area code fax number
EMAIL ADDRESS: CRKeener@aol.com ______________

DISTRICT COURT OF HARRIS COUNTY TEXAS

I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this April 11, 2017

Certified Document Number: 74372468 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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# PLAINTIFF'S ORIGINAL PETITION

3/23/2017 12:03:26 PM
Chris Daniel - District Clerk
Harris County
Envelope No: 16029302
By: ADESIYAN, JELILAT
Filed: 3/23/2017 12:03:26 PM

2017-19769 / Court: 234

CAUSE NO. ______________

| | | |
|---|---|---|
| APRIL PORTER<br>Plaintiff, | §<br>§<br>§ | IN THE DISTRICT COURT OF |
| VS. | §<br>§ | HARRIS COUNTY, TEXAS |
| UNIVERSITY OF TEXAS<br>MD ANDERSON CANCER CENTER<br>Defendant. | §<br>§<br>§ | _______ JUDICIAL DISTRICT |

## PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, April Porter, files this First Amended Petition against the University of Texas-MD Anderson Cancer Center ("MD Anderson") for discriminating against her because of her race and gender, and for retaliating against her for opposing discriminatory practices. This case will be controlled by Discovery Plan Level Two (2) as required by TEX. R. CIV. P. 190.

## PARTIES, RESIDENCE AND SERVICE

Plaintiff, April Porter is a resident of Harris County, Texas.

Defendant, MD Anderson, is a state funded university in the state of Texas which can be served by serving its Interim President, Marshall E. Hicks, M.D. at MD Anderson's business address of 1515 Holcombe Boulevard, Houston, Texas 77030.

## JURISDICTION AND VENUE

The amount in controversy is within the jurisdictional limits of this Honorable Court. Because the incidents which form the basis of this petition occurred in Harris County, Texas, venue is proper in this Court. TEX. CIV. PRAC. & REM. CODE § 15.002.

## FACTS

April Porter was a Pharmacy Technician who did her job well. She was treated differently than Pharmacy Technicians who were not black females. Her supervisors, Rose Okello and David Yiu, subjected her to much greater scrutiny and criticism than the other Pharmacy Technicians. Other Pharmacy Technicians were given easier jobs, were not written up for doing the same things for which April Porter was written up, and were given preferential treatment that was not given to April Porter. April Porter was subjected to a sexually hostile work environment and a work environment that was hostile due to race and gender discrimination. April Porter repeatedly reported this discrimination to her supervisors' boss, Brian Miller, and human resources. Stella Odera, her co-worker, also complained about discrimination, and April Porter supported those complaints. After Stella Odera filed a charge of discrimination with the EEOC, April Porter's supervisors encouraged her to help management refute the allegations. When she refused, April Porter was given an inaccurate and negative performance evaluation. She exhausted her internal remedies by trying to grieve against this discrimination. She was retaliated against as a result of opposing these discriminatory practices. April Porter was placed on "Final Notices" and was ultimately terminated by MD Anderson. All of these acts were the direct result of discrimination and retaliation.

## CONDITIONS PRECEDENT

All conditions precedent necessary to filing suit and recovering from MD Anderson have been performed or have occurred. April Porter has fulfilled all administrative prerequisites to initiating this lawsuit. Within 300 days of discovering the discriminatory conduct of Defendant, April Porter attempted to file a charge of discrimination and retaliation with the Equal Employment Opportunity Commission ("EEOC") and the Texas Workforce Commission-Human Rights Division

("TWC"). The EEOC delayed delayed the filing of her second charge of discrimination and retaliation, which should be deemed timely due to the EEOC's actions and the doctrine of equitable tolling. The EEOC has issued April Porter a Right to Sue Letter, and this First Amended Petition is being filed within 90 days of receipt of that letter.

## VIOLATION OF THE TCHRA

Defendant's actions constitute violations of the Texas Commission on Human Rights Act ("TCHRA") and Title VII. The acts of Defendant constitute discrimination against Plaintiff in the compensation, terms, conditions and privileges of her employment based upon her race, national origin, sex, and in retaliation for opposing Defendant's discriminatory practices. This discrimination and retaliation is the cause of both economic and compensatory damages suffered by April Porter.

## DAMAGES

April Porter is now suffering and will continue to suffer injury and monetary damages as a result of Defendant's discriminatory practices unless this Court grants relief. Specifically, April Porter has suffered damages in the form of back pay, front pay, lost benefits, and compensatory damages. April Porter seeks reinstatement to her position with MD Anderson. Pursuant to Texas Rule of Civil Procedure 47(c), monetary relief is sought over $200,000 but not more than $1,000,000.00.

## ATTORNEY'S FEES

It has become necessary for April Porter to retain the undersigned to pursue her case, and she seeks to recover attorney's fees and expert fees.

## CONCLUSION AND PRAYER

Plaintiff, April Porter, requests that Defendant, the University of Texas-MD Anderson Cancer Center, be cited to appear and answer, and that after final hearing on this matter, Plaintiff have judgment against Defendant for all actual damages outlined above, reinstatement, attorney's fees, expert fees, prejudgment and post-judgment interest at the highest rates allowed by law, costs of court, and all other relief, both general and special, legal and equitable, to which Plaintiff is entitled.

Respectfully submitted,

Craig R. Keener, P.C.

/s/ Craig R. Keener
By: Craig R. Keener
State Bar No. 11167875
1005 Heights Boulevard
Houston, Texas 77008
CRKeener@aol.com
(713) 529-0048 Telephone
(713) 529-2498 Facsimile

ATTORNEY FOR PLAINTIFF
APRIL PORTER

I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this April 11, 2017

Certified Document Number: 74372466 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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# TRANSFER ORDER

Filed 17 March 24 P5:00
Chris Daniel - District Clerk
Harris County

Pgs-1

TRANX
8X

Cause No. 201719769

| | |
|---|---|
| PORTER, APRIL | IN THE DISTRICT COURTS OF |
| V. | HARRIS COUNTY, TEXAS |
| UNIVERSITY OF TEXAS MD ANDERSON CANCER C | 234 JUDICIAL DISTRICT |

TRANSFER ORDER

It is ORDERED that the Harris County District Clerk transfer the above styled and numbered cause from the 234 District Court to the 295 District Court.

SIGNED Friday, March 24, 2017

HON. SYLVIA A. MATTHEWS
ADMINISTRATIVE JUDGE
CIVIL TRIAL DIVISION

Attraction Cause Number 201668806

PORTER, APRIL

v.

UNIVERSITY OF TEXAS MD ANDERSON CANCER C

File Court 295

JUDGMENT DATE: JUDGMENT TYPE:

CASE TYPE: DISCRIMINATION

DISTRICT COURT OF HARRIS COUNTY TEXAS

I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
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Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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# CITATIONS – SERVED AND RETURNED

7/NJS

533E CK

P-2

CAUSE NO 201719769

RECEIPT NO 75 00 CO1

********** TR # 73354984

PLAINTIFF PORTER, APRIL
vs
DEFENDANT UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER

In The 234th
Judicial District Court
of Harris County, Texas
234TH DISTRICT COURT
Houston, TX

CITATION

THE STATE OF TEXAS
County of Harris

11 FLOOR

FILED
Chris Daniel
District Clerk
APR - 6 2017
Time
By
Harris County, Texas
Deputy

533E
7C12
Hardison

TO UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER (STATE FUNDED UNIVERSITY) BY SERVING ITS INTERIM PRESIDENT MARSHALL E HICKS (MD)
1515 HOLCOMBE BOULEVARD HOUSTON TX 77030

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 23rd day of March, 2017, in the above cited cause number and court The instrument attached describes the claim against you

YOU HAVE BEEN SUED, You may employ an attorney If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10 00 a m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you

TO OFFICER SERVING

This citation was issued on 23rd day of March, 2017, under my hand and seal of said Court

FILED
Chris Daniel
District Clerk
APR - 6 2017
Time 8 00pm
Harris County Texas
Deputy

Issued at request of
KEENER, CRAIG ROCKWELL
1005 HEIGHTS BLVD
HOUSTON, TX 77008
Tel (713) 529-0048
Bar No 11167875

COURT OF HARRIS COUNTY TEXAS DISTRICT

Chris Daniel

CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P O Box 4651, Houston, Texas 77210)

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OFFICER/AUTHORIZED PERSON RETURN

Came to hand at ______ o'clock ___ M , on the _____ day of ____________________, ______

Executed at (address) ______________________________________________ in

____________________ County at _____ o'clock ___ M , on the _____ day of ____________,

______, by delivering to ____________________________________ defendant, in person, a

true copy of this Citation together with the accompanying _____ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery
To certify which I affix my hand officially this _____ day of ____________________, ______

FEE $________

______________________________

______ of ______________County, Texas

______________________________
Affiant

By ______________________________
Deputy

On this day, ______________________________, known to me to be the person whose signature appears on the foregoing return, personally appeared After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of ____________________, ______

______________________________
Notary Public

N INT CITR P

*73354984*

RECORDER S MEMORANDUM
This instrument is of poor quality at the time of imaging

## Constable Return of Corporation

Cause # 201719769 Tracking # 73354984

In the case of PORTER, APRIL VS UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER a CITATION and attached PLAINTIFF'S ORIGINAL PETITION was issued by the 234th Judicial District court of Harris County, and came to hand on the 24 day of March , 2017 at 10 47AM to be delivered at 1515 Holcombe Boulevard , Houston , TX 77030 by delivering to UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER

---

### Service of Corporation

Executed the same in HARRIS County, Texas, on the 3 day of April , 2017 at 11 47AM by summoning UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER a Corporation at 1515 Holcombe Boulevard , Houston , Texas 77030 By delivering to HOLLY O RUMBAUGH in person the atttorney of said Corporation a true copy of this CITATION, together with the accompanying certified copy of the PLAINTIFF'S ORIGINAL PETITION

---

Fee $ 75 00 Due

by Deputy Arthur Henderson
Printed

Deputy Signature [signature]

Attempts 1

**May Walker , Constable Precinct #7**

**Harris County Texas**

5290 Griggs Road Houston Texas 77021

I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this April 11, 2017

Certified Document Number: 74591029 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com**

# DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S ORIGINAL PETITION

4/10/2017 2:17:34 PM
Chris Daniel - District Clerk Harris County
Envelope No. 16369822
By: DAVIA FORD
Filed: 4/10/2017 2:17:34 PM

CASE NO. 2017-19769

| | | |
|---|---|---|
| APRIL PORTER<br>*Plaintiff* | §<br>§ | IN THE DISTRICT COURT OF |
| | § | |
| vs. | § | |
| | § | HARRIS COUNTY, TEXAS |
| UNIVERSITY OF TEXAS,<br>MD ANDERSON CANCER CENTER<br>*Defendant* | §<br>§<br>§ | 234th DISTRICT COURT |

## DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S ORIGINAL PETITION

Defendant University of Texas MD Anderson Cancer Center, by and through its undersigned attorney of record, timely files its Answer and Affirmative Defenses to Plaintiff's Original Petition.

## GENERAL DENIAL

Defendant denies the allegations of wrongdoing under state and federal law contained in Plaintiff's Original Petition and demands strict proof thereof as authorized under the TEXAS RULES OF CIVIL PROCEDURE.

## AFFIRMATIVE DEFENSES

1. Defendant asserts all applicable sovereign, official, and other immunities to Plaintiff's claims, including but not limited to its entitlement to caps and limits on damages or other demanded relief.

2. Defendant asserts that any and all employment decisions challenged by Plaintiff were correct and taken for legitimate reasons unrelated to the protected characteristic(s) or protected activity of the Plaintiff, if any.

Defendant would have undertaken the same challenged decisions and actions, anyway.

3. Defendant asserts that Plaintiff did not timely and adequately exhaust all claims through compulsory administrative remedies; nor did Plaintiff satisfy all of the applicable statutes of limitations or other applicable time requirements of the law.

4. Defendant contends that Plaintiff did not adequately mitigate his damages claims.

5. Defendant asserts offset of damages as an affirmative defense.

6. Defendant asserts the defense of after-acquired evidence.

7. Defendant asserts the right to raise additional defenses that become apparent through the further factual or legal development of the case.

**PRAYER**

Defendant prays that Plaintiff take nothing by her suit, that all costs be taxed and adjudged against the Plaintiff, and that Defendant be granted any other and further relief to which it shows itself justly entitled.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

BRANTLEY STARR
Deputy First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

ANGELA V. COLMENERO
Chief, General Litigation Division

/s/ Enrique M. Varela
ENRIQUE M. VARELA
Assistant Attorney General
State Bar No. 24043971
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2120 (512) 320-0667 (FAX)
enrique.varela@texasattorneygeneral.gov

*Attorneys for Defendant University of Texas MD Anderson Cancer Center*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been sent via E-Service by File and Serve Texas on the 10th day of April, 2017, to:

Craig R. Keener
1005 Heights Blvd.
Houston, TX 77008
CRKeener@aol.com

/s/ Enrique Varela
ENRIQUE VARELA